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- Custody of a child is given to either a parent or a relative.
- The respondent must pay for the medical expenses of the victim.
- The respondent must pay temporary child support; you may file a separate petition for child support in the family court, a more permanent solution. See KNOW YOUR RIGHTS: HOW TO OBTAIN CHILD SUPPORT, available on the CAS website at www.childrensaidsociety.org or by calling (212) 358-8930.
- The respondent must attend a batterer’s intervention program or substance abuse program.

If you would like to speak directly to an advocate for victims of domestic violence, you may contact The Children's Aid Society's Family Wellness Program at (212) 503-6829 or 6837. If you are in danger, you should immediately call 911 for police assistance and the 24-Hour Emergency Hotline at (800) 621-4673.

Resources for Domestic Violence Victims

- 24-Hour Emergency Hotline
Crisis counseling, shelter referrals
.....(800) 621-HOPE
- The Children's Aid Society Family Wellness Program
Counseling and referrals, legal information
.....(212) 503-6829 or (212) 503-6837
- Safe Horizon
Counseling, English and Spanish
.....(212) 681-1571
- Sanctuary for Families
Center for Battered Women's Legal Services
Legal information, legal representation
.....(212) 335-9000

- New York Legal Assistance Group Domestic Violence Clinical Center
Legal information, legal representation
.....(212) 750-0800

For in-depth information, contact The Children’s Aid Society at (212) 358-8930 to get a complete set of KNOW YOUR RIGHTS brochures and other legal advocacy publications in both English and Spanish. You may also log onto www.childrensaidsociety.org.



For over 150 years, The Children’s Aid Society has been assisting New York City’s children and their families without regard to race, religion, nationality or socio-economic status. Children’s Aid helps children in every aspect of their lives from infancy through adolescence, providing guidance and resources to ensure a child’s current well-being and future potential. With over 100 programs and 40 locations in New York that touch the lives of more than 150,000 children every year, Children’s Aid is one of the country’s largest and most innovative child and family social service agencies.

www.childrensaidsociety.org

THE CHILDREN’S AID SOCIETY
KNOW YOUR RIGHTS

orders of protection from domestic violence



If you are being threatened or abused by a family member, you may go to family court and get an Order of Protection. You may also get an Order of Protection in criminal court against someone else, for example, a boyfriend or girlfriend, but you must file a police report.

What terms do I need to know?

Order of Protection (OP): A court order that requires the respondent to stay away from or stop abusing the petitioner. It can also include other rules for the respondent such as ordering the payment of child support and requiring that visitation with minor children occur under supervised conditions.

Petitioner: The person asking the court for an Order of Protection.

Respondent: The person accused of abusing the petitioner.

Temporary Order of Protection (TOP): A court order that is issued on the day that a petition for protection is filed with the court. It provides emergency protection for victims of domestic abuse.

It lasts until the petitioner appears in court for the Protective Order hearing. To get a TOP, you must prove to the judge that there is good cause to issue the order.

Final Order of Protection: A Final Order of Protection is issued after a hearing. It is good for up to one year unless there are aggravating circumstances. If the petitioner can prove to the judge that aggravating circumstances exist, then the OP can last as long as three years.

Good cause: Good cause may be proven by hospital records, a police report, detailed testimony, or photographs that describe or show the petitioner's injuries.

Petition: A written request asking the court to order the respondent to stay away from the petitioner. The petition also says what happened, for example, verbal threats or physical injury. *It is very important to describe all of the details of the incident*, such as the type of injury, when and where it occurred and whether a weapon was involved. A petitioner can get help with writing the petition from a court clerk or a victim advocate. Safe Horizon, an agency that helps victims of domestic violence, provides victim advocates at all family courts to help victims write their petitions.

Aggravating circumstances: The respondent has physically injured the victim or other household members, has used a weapon against the victim or household members, has violated a prior Protective Order, or has prior convictions for crimes against the victim.

Testimony: Statements made in a courtroom in front of a judge. The testimony of the petitioner helps the judge to decide whether to issue an OP.

Hearing: A courtroom session where the petitioner and the respondent tell the judge what happened. The judge will decide whether to issue a Final Order of Protection based on testimony from each person. In family court, petitioners have the right to be represented by an attorney.

Supervised visitation: The respondent's visits with the child occur in the presence of someone other than the petitioner, such as a family member or social worker.

Nicholson: If you report domestic violence in your home, your children may not be removed from the home only because they have witnessed the violence pursuant to a lawsuit called *Nicholson v. Williams*. Call The Children's Aid Society at (212) 358-8930 for more information about this issue.

This leaflet is intended to provide legal information only. You have the right to be represented by an attorney when you are seeking an Order of Protection for domestic violence. If you cannot afford an attorney, you can ask the judge to appoint one for you when you appear in court to ask for the TOP. If you have a child, it is especially important to have an attorney represent you at the hearing.

Who can file a petition in Family Court?

You must meet the definition of a family to file a petition in family court. This includes:

- A spouse of the respondent
- A former spouse
- A person who has had a child with the respondent (even if the petitioner and the respondent were never married or lived together)
- A family member by blood or marriage (including step-family members)

What relief can I get from an Order of Protection?

The order may state any of the following directives:

- The respondent must stay away from the family home, the child's school, the victim's job, or any other place where the victim or child is in danger.
- The respondent must stop physically or emotionally hurting the petitioner or any other person who has custody of the child.
- Visitation with the child must take place in a supervised setting.
- The respondent must stay away from the family home and return only at a specified time to get his or her belongings; if the victim/petitioner does not want to return to the family home, the court can order that they enter the home with a police officer to collect their personal items.

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